

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE: * **CASE NO. 20-00633 EAG**
EFRAIN CARRERO VELEZ * **CHAPTER 13**

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MOTION TO QUASH MOTION TO DISMISS

TO THE HONORABLE COURT:

Now comes debtor, through the undersigned attorney, and very respectfully prays and states as follows:

I

FACTS

1. Debtor filed a bankruptcy petition number chapter 13, 11 USC on February 11, 2020.
2. Creditor Krizimarie Pérez Barber filed a motion to dismiss on August 27, 2020.
(docket number 39)
3. Said motion includes a long list of factual allegations regarding facts that took place before the bankruptcy petition was filed. Debtor denies said facts.

II

APPLICABLE LAW

1. Pursuant to 11 USC 1307 (c) a party in interest may file a motion to dismiss for cause, including unreasonable delay for debtor, non payment of fees, failure to file a plan, failure to commence payments under the plan, denial of confirmation, material default in relation with a confirmed plan, revocation of confirmation or termination

of the plan.

2. None of said grounds have been alleged in the creditor's motion to dismiss.
3. The creditor has also stated that debtor s in arrears in his child support payments and that he has not paid the amount of \$6,500.00 to the attorney in the Superior Court case.
4. The evidence submitted by said creditor clearly show that debtor is up to date in his child support payments after the filing of this case.
5. We should note that the attorney for said creditor in the Superior Court case was notified of the filing of the bankruptcy petition case that as of today no proof of claim has been filed by her. The bar date for all creditors has elapsed.
6. Since no adequate grounds for dismissal have been presented the motion to dismiss should be quashed as a matter of law.
7. We should also note that creditor Krizimarie Pérez Barber claims that she is owed money because debtor misappropriated conjugal partnership properties. However, no claim on these grounds was filed by said creditor, and the bar date to do so was April 21, 2020.
8. The motion to dismiss fails to comply with Bankruptcy Rule 9013-1 (c) (2) (d) which requires a 30 days notice a chapter 13 case. It also fails to comply will Rule 9013 - 3 and 9013-5. No notice was given to creditors and parties in interest and no list of creditors which were notified was attached.

NOTICE: Within fourteen (14) days after service as evidenced by the certification, and an additional threee3) days pursuant to Fed. R. Bank.P 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time

allowed here in, the paper will be deemed unopposed and may be granted unless(i)the requested relief is forbidden by law;(ii)the requested relief is against public policy; or (iii)in the opinion of the Court, the interest of justice requires otherwise.

WHEREFORE, it is respectfully requested from this Honorable Court that the motion to quash the motion to dismiss be granted.

CERTIFICATE OF SERVICE: I HEREBY CERTIFY: That on August 28, 2020 we electronically filed the foregoing using the CM/ECF system. Notice of this filing will be sent electronically through the CM/ECF System to Alejandro Oliveras Trustee, Chapter 13 Trustee, US Trustee, Attorney Damaris Quiñones Vargas, PO Box 429, Cabo Rojo, PR 00623 and Krizimarie Perez Barber, Calle Azucena #321, Puerto Real, Cabo Rojo, PR 00623and to all creditors and parties in interest in interest as per the attached list.

In Mayaguez, Puerto Rico, this 28day of August, 2020.

/s/Alberto O. Lozada Colón

Alberto O. Lozada Colón
USDCPR 123811
PO Box 430
Mayaguez, PR 00681
Tel. 787-833-6323 Fax 833-7725
lozada 1954@hotmail.com

Case Number: 20-00633-EAG13

20-00633-EAG13|BANCO POPULAR PR |FORTUNO & RIVERA FONT LLC|PO BOX 13786|SAN JUAN, PR 00908-3786|
20-00633-EAG13|DEPARTAMENTO DE HACIENDA |PO BOX 9024140|OFICINA 424-B|SAN JUAN, PR 00902-4140 |
20-00633-EAG13|INTERNAL REVENUE SERVICE |CENTRALIZED INSOLVENCY OPERATIONS|PO BOX 7346|PHILADELPHIA, PA 19101-7346 |
20-00633-EAG13|PR DEPARTMENT OF LABOR |PO BOX 195540|HATO REY, PR 00919-5540|
20-00633-EAG13|US TRUSTEE |EDIFICIO OCHOA|500 TANCA STREET SUITE 301|SAN JUAN, PR 00901-1922 |
20-00633-EAG13|US Bankruptcy Court District of PR|Jose V Toledo Fed Bldg & US Courthouse|300 Recinto Sur Street, Room 109|San Juan, PR 00901-1964|
20-00633-EAG13|ASSOCIATES |PO BOX 11917|SAN JUAN, PR 00922-1917 |
20-00633-EAG13|ASSOCIATES FINANCE |PO BOX 11917|SAN JUAN, PR 00922-1917 |
20-00633-EAG13|ASUME |P.O. BOX 70376|San Juan, PR 00936-8376|
20-00633-EAG13|ASUME-KRIZIAMARIE PEREZ BARBER |PO BOX 71316 SAN JUAN PR 00936-8416|
20-00633-EAG13|BANCO POPULAR DE PUERTO RICO |P.O. BOX 362708|San Juan, PR 00936-2708|
20-00633-EAG13|Banco Popular de Puerto Rico |PO Box 362708|San Juan, PR 00936-2708|
||duplicate
20-00633-EAG13|CITI CARDS |PO BOX 11917|SAN JUAN, PR 00922-1917 |
20-00633-EAG13|CITIBANK |PO BOX 11917|SAN JUAN, PR 00922-1917 |
20-00633-EAG13|CITIBANK CCSI |PO BOX 11917|SAN JUAN, PR 00922-1917 |
20-00633-EAG13|CITIBANK MORTGAGE |PO BOX 11917|SAN JUAN, PR 00922-1917 |
20-00633-EAG13|CITIBANK NA |PO BOX 11917|SAN JUAN, PR 00922-1917|
20-00633-EAG13|CITIBANK SOUTH DAKOTA |PO BOX 11917|SAN JUAN, PR 00922-1917 |
20-00633-EAG13|CITIBANK USA |PO BOX 11917|SAN JUAN, PR 00922-1917 |
20-00633-EAG13|CITICARDS |PO BOX 11917|SAN JUAN, PR 00922-1917 |
20-00633-EAG13|CITICARDS CREDIT SERVICES |PO BOX 11917|SAN JUAN, PR 00922-1917 |
20-00633-EAG13|CITICARDS SEARS |PO BOX 11917|SAN JUAN, PR 00922-1917 |
20-00633-EAG13|CITICORP DINERS |PO BOX 11917|SAN JUAN, PR 00922-1917 |
20-00633-EAG13|CITICORP FINANCE |PO BOX 11917|SAN JUAN, PR 00922-1917 |
20-00633-EAG13|CITIFINANCIAL |PO BOX 11917|SAN JUAN, PR 00922-1917 |
20-00633-EAG13|DEPARTMENT OF TREASURY |SECTION OF BANKRUPTCY 424-B|P.O. BOX 9024140|SAN JUAN P.R. 00902-4140|
20-00633-EAG13|DEPARTMENT OF TREASURY/BANKRUPTCY SEC. |P.O. BOX 9024140|San Juan, PR 00902-4140|
20-00633-EAG13|DORAL FINANCIAL CORPORATION |LOPEZ SANCHEZ PIRILLO & HYMOVITZ LLC|PO BOX 11917|SAN JUAN, PR 00922-1917 |
20-00633-EAG13|KRIZIA MARIE PEREZ BARBER |PUERTO REAL|CALLE AZUCENA 321|Cabo Rojo, PR 00623-4901|
20-00633-EAG13|LCDA EVELYN JANET GARCIA |APARTADO 1299|Hormigueros, PR 00660-5299|
20-00633-EAG13|PANAMERICAN/CITIBANK |PO BOX 11917|SAN JUAN, PR 00922-1917|
20-00633-EAG13|PENTAGON FEDERAL CREDIT UNION|ATTN BANKRUPTCY DEPARTMENT|P O BOX 1432|ALEXANDRIA VA 22313-1432||preferred
20-00633-EAG13|ALBERTO O LOZADA COLON |BUFETE LOZADA COLON|PO BOX 430|MAYAGUEZ, PR 00681-0430|

20-00633-EAG13|ALEJANDRO OLIVERAS RIVERA |ALEJANDRO OLIVERAS CHAPTER 13 TRUS|PO BOX
9024062|SAN JUAN, PR 00902-4062 |||
20-00633-EAG13|EFRAIN CARRERO VELEZ |PUERTO REAL 11A|CALLE 10|CABO ROJO, PR 00623
|||
20-00633-EAG13|FEDERAL LITIGATION DEPT. OF JUSTICE |PO BOX 9020192|SAN JUAN, PR
00902-0192 ||||
20-00633-EAG13|Kriziamarie Perez |Azucena 321 Puerto Real|Cabo Rojo, PR 00623 ||||
20-00633-EAG13|MONSITA LECAROS ARIBAS |OFFICE OF THE US TRUSTEE (UST)|OCHOA
BUILDING|500 TANCA STREET SUITE 301|SAN JUAN, PR 00901 ||
20-00633-EAG13|ROSA E RODRIGUEZ VELEZ |US ATTORNEYS|TORRE CHARDON STE 1201|350
CARLOS E. CHARDON AVE|SAN JUAN, PR 00918-2124||

Total Labels 39